IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL REVISION No. 605 of 2005

KANHAIYA LAL
V/S
SHANTI LAL & ANR

Mr. SL JAIN, for the appellant / petitioner

Mr. ARUN BHANSALI, for the respondent

Date of Order : 10.7.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner.

By the impugned order, the learned trial court had rejected the petitioner's applications filed under O. 32 Rule 4 and Section 151 C.P.C.

The applications were filed in the circumstances that one Sobhagmal had filed a suit for cancellation of sale deed executed by Sobhagmal and Shantilal on the ground that Shantilal obtained signatures of Sobhagmal under some false belief taking advantage of soft nature of Sobhagmal. However, during pendency of that suit on 10.8.2004 Sobhagmal had withdrawn that suit by moving an application that the matter has been compromised, and therefore, he does not want to continue the suit. It is thereafter that the present applications have been filed by Kanhaiyalal father of Sobhagmal contending that in view of the

provisions of O. 32 R. 15 guardian ad litum should have been appointed, and being father he should be so appointed, and that the decision of the suit be recalled. The learned trial court has found that Sobhagmal himself had filed the suit, and had voluntarily withdrawn the suit. There is nothing to show as to how Kanhaiyalal can be appointed as guardian ad litum, or that the order is required to be recalled as he was not a party in the litigation. It has also been considered that in the Will executed by Mangilal in favour of Sobhagmal it has also been clearly recited that Kanhaiyalal father of Mangilal had left the family for the last 12 years, and today it was informed by the learned counsel for the respondent that it is also mentioned in the Will that Kanhaiyalal contracted another marriage in another community, and had left the house leaving the married wife and Sobhagmal with Mangilal, and Kanhaiylal's married wife had already expired. Learned counsel read to me the averments of original plaint also.

In my view, there is no error on the part of the learned trial court in dismissing both the applications as Kanhaiyalal has no locus standi whatever to file all these applications.

The revision petition thus has no force, and is dismissed summarily.

(N P GUPTA),J.

/Sushil/